

Norman C. Kleinberg  
Theodore V. H. Mayer  
William J. Beausoleil  
HUGHES HUBBARD & REED LLP  
One Battery Park Plaza  
New York, New York 10004-1482  
(212) 837-6000

*Attorneys for Defendant Merck & Co., Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE: :  
Fosamax Products Liability Litigation :  
-----X  
*This Document Relates to:* : 1:06-md-1789 (JFK)  
Paul E. Swain, III, individually, :  
as next of kin of and as representative :  
of the Estate of Priscilla M. Swain, :  
deceased :  
v. Merck & Co., Inc. :  
: :  
Case No: 1:08-cv-1940-JFK : **Rule 7.1 Statement**  
-----X

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure and to enable  
Judges and Magistrate Judges of the Court to evaluate possible disqualification or  
recusal, the undersigned attorneys of record for Defendant Merck & Co., Inc. certify that  
it has no parent companies and are not aware of any beneficial owner of more than ten  
percent of its Common Stock.

Dated: New York, New York  
April 28, 2008

Respectfully submitted,

HUGHES HUBBARD & REED LLP

By: /s/  
Norman C. Kleinberg  
Theodore V. H. Mayer  
William J. Beausoleil

One Battery Park Plaza  
New York, New York 10004-1482  
(212) 837-6000  
beausole@hugheshubbard.com  
kleinber@hugheshubbard.com  
mayer@hugheshubbard.com  
*Attorneys for Defendant Merck & Co., Inc.*